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October 27, 2022

VIA ECF

Honorable Ann M. Donnelly
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom 4GN
Brooklyn, New York 11201

Re: *Tol v. Digital Direct & More Inc. et al.*,
22 Civ. 3474 (AMD)(PK) – Dismissal Without Prejudice

Dear Judge Donnelly:

We represent Plaintiff Selina Xinico Tol in the above-referenced matter. We write to inform the Court that despite many attempts to contact Defendants, including three mailings (ECF Nos. 12, 16, 18), service via the Secretary of State (ECF No. 11), and personal service (ECF No. 17), Defendants have neither appeared in this Action nor contacted the undersigned or Plaintiff.

Instead of pursuing a default judgment, Plaintiff would like to proceed with her claims before the New York State Department of Labor. To do so, she requests that her case be dismissed without prejudice. Plaintiff has not settled any of her claims against Defendants.

We thank the Court for its time and attention to this matter and are available to discuss it in further detail with the Court if necessary.

Very truly yours,

/s/ Gianfranco J. Cuadra

Gianfranco J. Cuadra